

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ALBERTO GANAC)
)
v.) No. 3:08-00712
) JUDGE CAMPBELL
UNITED STATES OF AMERICA)

ORDER

Pending before the Court is a Motion To Vacate, Set Aside, Or Correct Sentence (Docket No. 1), filed by the Movant/Petitioner (hereinafter “Petitioner”). After the Court appointed counsel, Petitioner filed a Supplemental Statement With Respect To Motion To Vacate Set Aside Or Modify Sentence (Docket Nos. 19), and a Notice Of Filing (Docket No. 22) certain records of the Tennessee Department of Corrections. The Government has filed response briefs. (Docket No. 7, 23).

The Court has reviewed the pleadings and briefs filed by both parties, the record of Petitioner's underlying conviction, and the entire record in this case. For the reasons set forth in the accompanying Memorandum, the Court concludes that Petitioner's Motion To Vacate is DENIED, and this action is DISMISSED.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Should the Petitioner give timely notice of an appeal from this Memorandum and Order, such notice shall be treated as a application for a certificate of appealability, 28 U.S.C. 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial

of a constitutional right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE